

**BANKS FAMILY TRUST**

168 - N. Walnut, Perkasie, PA 18944

Telephone: (215) 872-3317, email: banksfamilytrust@aol.com

**Kevin M. Banks****[ Managing Partner ]****VIA - USPS and Emergency Fax Filing**

(Monday), November 24, 2008

The Honorable Charles D. Nottingham, Chairman - STB.

The Honorable Ann K. Quinlan, Acting Secretary

Office of the Chairman and Secretary

Surface Transportation Board

395 - E Street, SW.

Washington, DC 20024

**EMERGENCY FAX FILING: 202-245-0458 / - 0461 / - 0464****RE: Docket No. AB-33 (SUB-NO. 230X)****EVIDENCE**ENTERED  
Office of Proceedings

NOV 24 2008

Part of  
Public Record**Union Pacific Railroad Company****-- ABANDONMENT EXEMPTION --**

Dear Secretary Quinlan:

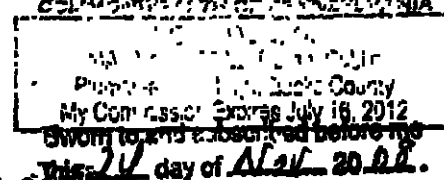
Please find, the instant filing: **[Evidence of: Provision of Bond]**, referring to the Union Pacific Railroad Company Abandonment Exemption: Docket No. AB-33 (SUB-NO. 230X). I have attached a Modified PAYMENT FORM previously provided by the STB, as Lawful Authorization to NOW Execute a Direct Payment to the STB to be held by the STB in TRUST, as ("BOND") in the amount of: \$ 5,750.00, to be released by the STB directly to Union Pacific Railroad Company, pursuant to the provision of Ofc, currently on Appeal by the Board within the current pending Ofc/Appeal Proceeding. Please Note that No Portion of the \$ 5,750.00 authorized for Payment directly to the Board as Acting Trustee for NCR, may be collected by the Board, for reasons including, but not limited to, the provision of a FEE. The Banks Family Trust Investment Partnership, is hereby Posting ("BOND") to the Total Amount of: \$ 5,750.00, for and on behalf of Mr. Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD, as evidence and incontrovertible proof of Mr. Kemp's Financial Capacity, as Previously Lawfully Certified to the Board by (the): Banks Family Trust on: September 15<sup>th</sup>, 2008. As part of the \$ 13,000.00 Financial Guarantee to Mr. Kemp, the instant ("BOND") in the amount of: \$ 5,750.00 will account for the Moneys to be Paid by Mr. Kemp directly to Union Pacific Railroad Company, with the Remaining Balance of: \$ 7,250.00 to be disbursed to Mr. Kemp upon his request for same, in order to ensure that the 220' Railroad Main Line acquired by Mr. Kemp, is Fully Operational and STB/FRA Certified within 60-Days of acquisition of said Rail Main Line, by the NCR. As Previously Lawfully Certified to the Board, (the): Banks Family Trust remains financially capable and committed to the provision of Additional Funds to Mr. Kemp necessary to Maintain the Commercial Operation of the subject 220' NCR-Railroad Main Line, for the next 5-Years. Should the Board require submission of Additional Supporting Financial Information, please so state and I will affirmatively reply to that request following the granting of a Protective Order.

Very truly yours,

Kevin M. Banks, (215) 872-3317 banksfamilytrust@aol.com

Managing Partner: (The): **BANKS FAMILY TRUST**

Enclosures Evidence of Provision of Bond Certification of Service

cc Mr John T. Digillo, Jr., Vice Chairman - Director/President, Nevada Central Railroad, Corporation  
Mr. Joseph Anthony McNulty, III -Director/Vice President, Nevada Central Railroad, Corporation

Maryann Bell

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB - DOCKET NO: AB-33 (SUB-NO. 230X)**

**Union Pacific Railroad Company  
-- ABANDONMENT EXEMPTION --  
IN LASSEN COUNTY, CALIFORNIA AND WASHOE COUNTY, NEVADA  
(FLANIGAN INDUSTRIAL LEAD)  
(SUSANVILLE INDUSTRIAL LEAD)**

**EVIDENCE**

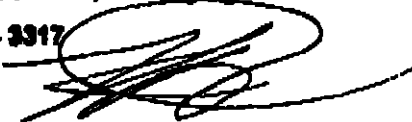
**- BANKS FAMILY TRUST -  
(PROVISION OF BOND)**

**STATEMENT OF FACTS**

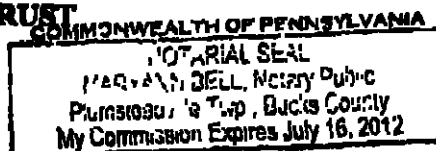
1. This 24<sup>th</sup>, Day of November, 2008, I Kevin M. Banks hereby Lawfully Certify that (the) Banks Family Trust Investment Partnership has factually executed authorization for immediate conveyance of ("BOND") in the Total Amount of: \$ 5,750.00, with and directly to, the Surface Transportation Board ("STB"), as acting TRUSTEE for NCR, with said funds to be held by STB/TRUSTEE for Direct Disbursement by STB to the Union Pacific Railroad Company, for the Acquisition by Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD, of: 220' of Railroad Main Line at Flanigan, Nevada, and for No Other Purpose other than that stated herein.

Kevin M. Banks, Managing Partner: **BANKS FAMILY TRUST**

(215) 672-3317

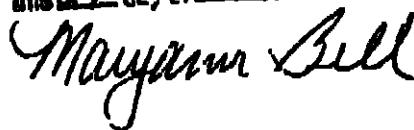


NOTARY:



Sworn to and signed before me  
this 24<sup>th</sup> day of Nov 2008.

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# BANKS FAMILY TRUST

166 - N. Walnut, Parkside, PA 18944

Telephone: (215) 872-3317, email: banksfamilytrust@aol.com

## CERTIFICATE OF SERVICE

I, Kevin M. Banks hereby certify that on this 24<sup>th</sup> day of November, 2008, that I made service of the attached original filing of: [EVIDENCE and PROVISION OF BOND], upon the Surface Transportation Board, (STB), and mailed a Single Copy of same to Union Pacific Railroad as identified within Exemption: AB-33 (SUB-NO. 230X), by depositing same into the United States First Class Mail with prepaid postage, and also Directly to the STB via EMERGENCY FAX FILING, and by United States First Class Mail with prepaid postage to: Surface Transportation Board, 395 - E Street SW, Washington, DC 20024



**Kevin M. Banks, MANAGING PARTNER: BANKS FAMILY TRUST**  
(215) 872-3317

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

MARYANN BELL, Notary Public  
Philadelphia, Pa. Bucks County  
My Commission Expires July 18, 2012

Sworn to and subscribed before me  
this 24 day of Nov, 2008.



11/21/2008 13:36 5285742282

ATL NOR

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
MARYANN BELL, Notary Public  
Plumstead Twp., Bucks County  
My Commission Expires July 18, 2012  
Given to and subscribed before me  
this 24 day of NOV 20 08.



*Surface Transportation Board*  
Washington, DC 20423-0001

*Maryann Bell*

**PAYMENT FORM**

Please indicate method of payment for the amount of: \$ 5,750.00

☐ Check (Check or money order to be made payable to SURFACE TRANSPORTATION BOARD)  
☐ Money Order

☒ Credit Card

☐ VISA ☐ MasterCard ☐ DiscoverCard ☒ American Express

Name on Credit Card JOHN T. DIGILIO, JR.

Credit Card No. [REDACTED]

Security Code (3 digit on back of card) [REDACTED]

Expiration Date [REDACTED]

Signature

(My signature indicates my desire to (Date) PRESIDENT,  
have this transaction charged to the NEADA CENTRAL RAILROAD  
credit card listed above.)

Cardholder's Name

JOHN T. DIGILIO, JR.

Cardholder's Billing Address

1430-MANDER LANE,  
BAY SHORE, NY 11706-3732

**NOTE:** If payment is to be credited to an established STB account or statement of charges, please indicate the number assigned to your account/invoice.

If payment is to be credited for a docket filing, please indicate the docket number.

If payment is to be made to establish a BOND to be held in Trust, Please indicate the docket number and named beneficiary as intended recipient for disbursement of all money's held in Trust, derived from the authorized execution of this Payment Form. AR-33-230X, UNION PACIFIC RAILROAD

For office use only: Docket No. \_\_\_\_\_  
Description of services provided.